

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE ENROLLED ACT No. 392

AN ACT concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **This SECTION applies only to a solid waste landfill:**

- (1) **in existence on April 15, 1999; and**
- (2) **located in a county having a population of more than twenty-three thousand seven hundred (23,700) but less than twenty-four thousand (24,000).**

(b) **As used in this SECTION, "Subtitle D" refers to solid waste landfill design standards of the federal Resource Conservation and Recovery Act as provided in 40 CFR 258.**

(c) **A landfill may not be operated after November 1, 2002, if the landfill does not comply with the following provisions of 40 CFR 258:**

- (1) **The western slope of the landfill footprint as it exists on April 15, 1999, must be incorporated into a new Subtitle D landfill cell with a synthetic liner installed on the lower portion of the western slope.**
- (2) **The new Subtitle D landfill cell must be located in part of the western unfilled area as provided in the original landfill permit issued January 5, 1988.**
- (3) **All areas of the landfill footprint as it exists on April 15, 1999, that are not incorporated into the new Subtitle D**

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landfill cell must be closed by October 15, 2002, under the requirements of 329 IAC 10-22-7(b).

(4) The proper authority of the county where the landfill is located shall employ a qualified independent consultant to determine whether the new Subtitle D landfill cell will be negatively impacted by the geology at the landfill site.

(d) During 1999 and 2000, the landfill shall conduct appropriate tests to determine groundwater flow direction for the purpose of determining appropriate groundwater monitoring locations. Tests performed under this subsection must include the use of dyes and must be jointly approved by the:

- (1) department of environmental management; and
- (2) solid waste management district board for the district where the landfill is located.

(e) The county:

- (1) may continue to operate the landfill through November 1, 2002, in the landfill footprint existing on April 15, 1999; and
- (2) must operate the landfill in compliance with all applicable permit conditions and rules relative to landfill operations, except for rule provisions associated with karst terrain.

(f) This SECTION expires January 1, 2008.

SECTION 2. An emergency is declared for this act.

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